

9.110-4 Procedures.

If the Secretary of Defense determines, pursuant to the procedures at [32 CFR part 216](#), that an *institution of higher education* is *ineligible* to receive funds from a *covered agency* because of a policy or practice described in [9.110-3](#)—

(a)The Secretary of Defense will create an active exclusion record for the institution in the System for Award Management; and

(b)A *covered agency* shall not solicit *offers* from, award contracts to, or *consent to subcontracts* with the institution. The prohibition in this paragraph (b) does not apply to *acquisitions* at or below the *simplified acquisition threshold* or to *acquisitions* of *commercial products* and *commercial services*, including commercially available off-the-shelf items.

Parent topic: [9.110 Reserve Officer Training Corps and military recruiting on campus.](#)